

IN THE SPECIFICATION:

Please amend the Summary of Invention section as follows:

Please replace page 3, line 23 to page 7, line 10, with the following amended paragraphs:

-- An object of the present invention is to solve the above-described drawbacks.

Another object of the present invention is to provide, in data communication system, apparatus and method and a computer readable storing medium therefor, a technology allowing to easily detect the transfer rate available between two or more electronic devices without requiring complex analysis.

As a preferred embodiment for such objects, the present invention discloses a data communication apparatus, comprising:

a) ~~transmission unit for transmitting a predetermined packet to at least a destination, wherein the predetermined packet is transmitted at a predetermined transfer rate~~ a communication unit having different transfer rates and adapted to transmit a predetermined packet to all of a plurality of destination apparatuses using at least one of the different transfer rates; and

b) ~~discrimination unit for discriminating a maximum transfer rate to the destination, according to a response to the predetermined packet. a control unit adapted to~~ determine one of the different transfer rates as a maximum transfer rate between the communication apparatus and all of the plurality of destination apparatuses after responses to the predetermined packet are received from all of the plurality of destination apparatuses.

As another preferred embodiment the present invention discloses a data communication method, comprising the steps of:

- a) ~~transmitting a predetermined packet to at least a destination, wherein the predetermined packet is transmitted at a predetermined transfer rate~~ transmitting a predetermined packet to all of a plurality of destination apparatuses using at least one of the different transfer rates; and
- b) ~~discriminating a maximum transfer rate to the destination, according to a response to the predetermined packet.~~ determining a maximum transfer rate between the communication apparatus and all of the plurality of destination apparatuses after responses to the predetermined packet are received from all of the plurality of destination apparatuses.

~~As still another preferred embodiment the present invention discloses a data communication system, comprising:~~

- ~~a) at least a destination; and~~
- ~~b) a source including a unit for transmitting a predetermined packet to the destination at a predetermined transfer rate, and a unit for discriminating a maximum transfer rate to the destination, according to a response to the predetermined packet.~~

~~As still another preferred embodiment the present invention discloses a computer readable storing medium storing a program, the program comprising steps of:~~

- ~~a) transmitting a predetermined packet to at least a destination, wherein the predetermined packet is transmitted at a predetermined transfer rate; and~~
- ~~b) discriminating a maximum transfer rate to the destination, according to a response to the predetermined packet.~~

\_\_\_\_\_ As still another preferred embodiment the present invention discloses a data communication apparatus, comprising:

\_\_\_\_\_ a) \_\_\_\_\_ transmitting a predetermined packet to at least a destination at a first transfer rate; and

\_\_\_\_\_ b) \_\_\_\_\_ reception unit for receiving a response to the predetermined packet from the destination;

\_\_\_\_\_ wherein the transmission unit determines whether or not to transmit the predetermined packet at a second transfer rate lower than the first transfer rate, according to the response from the destination.

\_\_\_\_\_ As still another preferred embodiment the present invention discloses a data communication method, comprising steps of:

\_\_\_\_\_ a) \_\_\_\_\_ transmitting a predetermined packet to at least a destination at a first transfer rate;

\_\_\_\_\_ b) \_\_\_\_\_ receiving a response to the predetermined packet from the destination;  
and

\_\_\_\_\_ c) \_\_\_\_\_ determining whether or not to transmit the predetermined packet at a second transfer rate lower than the first transfer rate, according to the response from the destination.

\_\_\_\_\_ As still another preferred embodiment the present invention discloses a data communication system, comprising:

\_\_\_\_\_ a) \_\_\_\_\_ at least a destination; and

\_\_\_\_\_ b) \_\_\_\_\_ a source including transmission unit for transmitting a predetermined

~~packet to the destination at a first transfer rate, and reception unit for receiving a response to the predetermined packet from the destination;~~

~~\_\_\_\_\_ wherein the source determines whether or not to transmit the predetermined packet at a second transfer rate lower than the first transfer rate, according to the response from the destination.~~

~~\_\_\_\_\_ As still another preferred embodiment the present invention discloses a computer readable storing medium storing a program, the program comprising the steps of:~~

~~\_\_\_\_\_ a) \_\_\_\_\_ transmitting a predetermined packet to at least a destination at a first transfer rate;~~

~~\_\_\_\_\_ b) \_\_\_\_\_ receiving a response to the predetermined packet from the destination;~~  
~~and~~

~~\_\_\_\_\_ c) \_\_\_\_\_ determining whether or not to transmit the predetermined packet at a second transfer rate lower than the first transfer rate, according to the response from the destination.~~

Still other objects of the present invention, and the advantages thereof, will become fully apparent from the following detailed description of the embodiments.--